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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,706	02/11/2002	Mihai Adrian Tiberiu Sanduleanu	NL010554	4398

24737 7590 05/10/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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CUNNINGHAM, TERRY D

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/073,706

Applicant(s)

SANDULEANU, MIHAI ADRIAN  
TIBERIU

Examiner

Terry D. Cunningham

Art Unit

2816

--Th MAILING DATE of this communication appears on th cover sheet with the correspondence address --

THE REPLY FILED 26 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 06 January 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-11.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

**ATTACHMENT TO ADVISORY ACTION**

***Continuation of No. 2***

The proposes changes to claims 1 and 11 provide a change in claim scope requiring further search and or consideration.

***Continuation of No. 5***

Examiner has again considered Applicant's remarks for the outstanding enablement rejections. Examiner acknowledges the disclosure that element 10 of the circuit of Fig. 4 can receive a voltage if element 12 is not used. Applicant has provided express disclosure for the circuits of Figs. 5 and 6 providing "two quadrature signals of equal magnitude" as required for element 10 of Fig. 4. Since Applicant has shown that the circuit of Figs. 5 and 6 can be used for the element 10 of Fig. 4 and since a combination of such was recited in the original claims, sufficient enablement is found for claims 7 and 8. Therefore, the rejection to claims 7 and 8 under 35 U.S.C. § 112, first paragraph is hereby withdrawn.


The removal of this rejection leaves the specification objected to as lacking antecedent for the use of Fig. 5 or Fig. 6 for element 10 of Fig. 4.

The amendment to claims 7 and 8 overcomes the rejection thereto under 35 U.S.C. § 112, second paragraph.

Examiner has fully considered Applicant's remarks for the art rejection to claims 7, 9 and 10 and has not found them to be persuasive. Contrary to Applicant's, remarks, the rejection expressly sets forth a clear and sufficient motivation.

Examiner also points out that the Double Patenting Rejection of record is no longer provisional due to the fact that the applied Application is now allowed with the Issue Fee paid.

TC  
May 5, 2004

  
Terry D. Cunningham  
Primary Examiner  
Art Unit 2816